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**JUL 11 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Menendez et al. :  
Application No. 09/698,491 : ON PETITION  
Filed: 27 October, 2000 :  
Atty Docket No. 285277-00015 :

This is in response to the "RENEWED PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT, OR IN THE 1<sup>ST</sup> ALTERNATIVE, RENEWED PETITION UNDER 37 CFR 1.137(a), OR IN THE 2<sup>ND</sup> ALTERNATIVE, RENEWED PETITION UNDER 37 CFR 1.137(b), which is treated as a renewed petition under 37 CFR 1.137(a) and a petition under 37 CFR 1.137(b).

The petition under 37 CFR 1.137(a) is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

The application became abandoned on 7 May, 2005, for failure to timely respond to the Notice of Non-Compliant Amendment mailed on 6 April, 2005, which set a one (1) month period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 28 October, 2005. The petition under 37 CFR 1.181 and 1.137(a) filed on 2 November, 2005, was dismissed on 16 May, 2005.

Petitioners have now provided a statement that a search of the file jacket and docket records indicate that the Office communication was not received.

The petition under 37 CFR 1.137(a) is granted.

The application is restored to pending status.

As the petition under 37 CFR 1.137(a) is granted, the petition under 37 CFR 1.137(b) is unnecessary and will be dismissed as moot. The petition fee will be credited to counsel's deposit account.

The application is being referred to Technology Center Art Unit 3629 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at 571-272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", is positioned above the typed name.

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions